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EPA PROJECT OFFICER POST-AWARD EVALUATION PROTOCOL
(USED FOR ADVANCED AND BASELINE MONITORING)
CHESAPEAKE BAY PROGRAM OFFICE (CBPO)

BACKGROUND INFORMATION (PART 1)

SIX MONTH: yes	GRANT NUMBER(s): FY 2010-16 CB97394501	
1. DATE PREPARED: 11/22/13	2. RECIPIENT NAME: PA DEP	
3. ENTER ALL DATES: a. OFF-SITE CONFERENCE CALL DATE: 11/21/13 b. ON-SITE REVIEW DATE: N/A (enter date if applicable, otherwise N/A) c. REPORT DATE: 11/22/13 (Date Report Sent by Email to Grantee) d. CLOSED DATE: 11/25/13 (Date all major issues resolved, if applicable, otherwise this date is same as Report Date.)	4. PROJECT OFFICER(s): Nita Sylvester PARTICIPANTS/PERSONS CONTACTED: (Names /Affiliations) - EPA: Nita Sylvester - GRANTEE: Steve Taglang, Fred Fiscus, David Lewis of PA DEP	
5. TYPE OF EVALUATION: Off-site Evaluation		
6. <u>AWARD INFORMATION</u> Grant	8. <u>PROJECT / BUDGET PERIOD DATES:</u> BEGINNING ENDING	
	Project Period: 7/1/10	6/30/16
	Budget Period: 7/1/10	6/30/16
7. <u>AWARD AMOUNT</u> EPA share: \$5,133,638 awarded as of as of 12/2/11 • FY10: \$2,466,819 awarded 9/1/10 • FY11: 2,666,819 awarded 12/2/11 Recipient share/Match: \$5,133,638 (FY10: \$2,466,819; FY11: \$2,666,819) Total: \$10,267,276	9. <u>BRIEF PROJECT DESCRIPTION:</u> This project contains activities designed to reduce nutrient and sediment loads that cause or contribute to the impairment of water quality standards in the Chesapeake Bay and its tidal tributaries. This work will help to achieve and maintain the water quality necessary to improve the aquatic system health of the Chesapeake Bay ecosystem.	

10. PROVIDE BRIEF DESCRIPTION OF RECIPIENT: Response: The state of PA is a signatory to the 1983, 1987 and 2000 Chesapeake Bay agreements. The DEP is the lead state agency for implementing Bay restoration and water quality improvement activities in the Potomac and Susquehanna river basins.

11. DESCRIBE THE GRANT WORK-PLAN COMMITMENTS:

- **Conduct Watershed Implementation Plan (WIP) outreach.** WIP Outreach objective will support several public outreach sessions necessary to develop the Phase 2 WIP. Further, this objective will provide assistance and develop tools to assist farmers and the regulated community in the development of strategies to reduce nutrient and sediment loads delivered to the Bay.
- **Nutrient Trading Independent Review.** Assist the Department in the implementation and enhancement of the Nutrient Trading Program and the MS4 aspects of Pennsylvania's Stormwater Management Program. This includes the: (1) review and approval of applications for credit certification and verification; (2) development of standardized forms and templates for submittal of applications for credit calculation, verification and registration; (3) development of regulations and guidance documents for proposed enhancements to the Nutrient Trading Program; (4) development of a monitoring and compliance program for MS4 stormwater management; including the development of a detailed implementation strategy (SOP), training materials, and inspection forms.
- **Improve /expand regulation of sources of nitrogen, phosphorus and sediment delivered to the Bay.** This objective will support one new staff position to manage Pennsylvania's CAFO and agricultural regulatory program. This position will support the review/revision (as needed) of PA's CAFO program; manage development of Chapter 102 Erosion & Sediment Control guidance and outreach efforts to support Chapter 102 regulation revisions for agriculture; manage development and outreach efforts to support Manure Management Manual revisions. Agricultural operations within target areas identified by NRCS, COAST or SPARROW will receive priority attention.
- **Improve enforcement and compliance assurance.** This objective will support four new staff positions to provide regional compliance and inspection actions for Pennsylvania's CAFO, stormwater and agriculture regulatory programs. These positions will support increased field presence for additional inspections of non-CAFO agricultural operations. These positions would also support increased compliance activities under Chapter 102 Erosion & Sediment Control regulations, Chapter 91.36 relating to manure management, and local stormwater complaints.
- **Improve tracking of point and non-point sources of pollution.** This objective will support contractor assistance to assist Pennsylvania in managing water quality information related to Chesapeake Bay nutrient and sediment related problems. This assistance will also support existing staff input and monitor Pennsylvania's Chesapeake Bay reporting and model efforts.
- **Nutrient Management Compliance Assurance.** This objective will supplement and/or expand 36 county conservation district staff positions to provide compliance and inspection actions for Pennsylvania's agriculture regulatory programs. These positions will also support increased compliance activities under Chapter 102 Erosion & Sediment Control regulations, Chapter 91.36 relating to manure management, and local storm water complaints.

12. DISCUSS PREVIOUS RECOMMENDATIONS/CONCERNS/OPEN PROGRAMMATIC FINDINGS, IF ANY EXIST; ARE THEY OR WILL THEY BE REMEDIED?:

a. If applicable, Previous Recommendations/Concerns listed in this Item 12 on Last Monitoring Review Report. Discuss if they will or will not be remedied? Response: N/A

b. Open Programmatic Findings in Last Monitoring Review (Refer to Part II, Item 7, PO Suggestions and Recommendations). If applicable, are there any open programmatic findings for this Award in last monitoring review (could not provide a “closed date” on last monitoring review report because of major finding(s))? Provide date of resolution and explanation on how finding(s) have been resolved. Response: PA DEP needed to provide a revised progress report addressing all comments from EPA by 11/29/12. They did and EPA accepted the revised report on 11/30/12.

RESULTS OF REVIEW WITH RECOMMENDATIONS (success & findings) - PART II

1. Scope of Review: Summarize the purpose of your review.

If appropriate, list issues that will be raised for resolution during the review (e.g., need response on why the recipient spent half of the grant award and hasn’t produced a literature review).

Response: The purpose of this review is to determine progress on the variety of projects completed under the FY’10-16 Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grant from 7/1/10- 6/30/13. PA submitted their semi-annual report under this grant on 10/16/13. EPA requested revisions, PA made them, and EPA accepted the report on 11/21/13. This review is based upon the revised progress report.

2. Financial: POs are responsible for:

>Analyzing the budget information in the reports by reviewing the payment history (using recipient progress reports, Financial Status Reports, or Financial Data Warehouse reports) and comparing actual amounts spent against the planned budget in the work plan.

>Providing rebudget approval to the Grants Specialist on the recipients request to rebudget grant funds or on other actions which require prior approval from EPA.

PO to Review, Discuss, and Respond:

a. Is this award incrementally funded? Response: no

b. Has the recipient begun work under this assistance agreement? Response: yes

c. Ensure funds are available to complete the project:

Answer the following: As of 10/30/13

*Amount of EPA funds awarded: \$5,133,638: \$2,466,819 for 5yrs of work; \$2,666,819 for 6yrs of work

*Amount of EPA funds paid: \$1,917,046 (as of 10/30/13)

*Remaining Balance: \$3,216,592 to be spent by 6/30/16

% of Project Completed: 90% of year one, year two and year three work**

% of Funds Paid: 37% of EPA funds expended through 10/30/13 (See item f. for explanation.)

* Information found on Financial Data Warehouse Report at <http://ocfosystem1.epa.gov/neis/adw.welcome>

**This monitoring review covers activities to be completed through 6/30/13.

d. Has the recipient made any drawdowns on this award since the award date or last monitoring review? Response: yes

e. Is the payment history consistent with the progress to date? Response: yes

f. Are the expended and remaining funds reasonable? Response:

Remaining Balance EPA funds (FY10 and 11): \$3,216,592 of EPA \$\$ (63%) need to be spent by 6/30/16. Per PA DEP's policy for subawards, PA awards \$\$ to their grantees and contractors, but they do not reimburse them until they are provided with invoices. When they get the invoices from their grantees and contractors, they draw down the funds to pay the grantees and contractors. PA anticipates being able to expend all awarded \$\$ prior to the end of the budget period. In response to EPA's concern about the drawdown rate for this grant PADEP responded as follows:

"With 50% of the grant time period remaining, expenses/drawdowns are about 50% of total. DEP expects to draw down all of these funds before the end of the current agreement. DEP now has the delegation agreements and funding mechanisms in place to continuously draw down the federal funds of \$632,000/year in Objective #6. DEP will also ensure that the match for these funds is properly coded to this grant and that the state match found in Objective #6 will be drawn down annually. This "programmed" annual draw down will account for over \$1.2 million per year for the next three years of this grant."

EPA's response during the monitoring review is that this is not the case for the federal dollars since only \$1,917,046 (37%) have been drawn down in three years and \$3,216,592 (63%) need to be spent in remaining three years.

PA prog rpt info (as of 6/30/13)	Obj1	Obj2	Obj3	Obj4	Obj5	Obj6	Total
Totl EPA+PA expended							\$5,038,518
Totl EPA+PA remainder							\$5,228,758
Totl contract/grants exp.							\$4,189,787
Totl contract/grants rem.							\$4,154,713
EPA share thru 6/13	\$288,825	\$50,000	\$374,142	\$1,549,634	\$304,218	\$2,566,819	\$5,133,638
PA share	\$0	\$0	\$0	\$2,466,819	\$0	\$2,666,819	\$5,133,638
Totl approved thru 6/13	\$288,825	\$50,000	\$374,142	\$4,016,453	\$304,218	\$5,233,638	\$10,267,276
PA invoiced thru 6/13	\$142,083	\$4,767	\$173,797	\$3,804,061	\$281,810	\$632,000	\$5,038,518

ULO Drawdown status (as of 6/30/13; submitted by PA w/ prog rpt)	
PA FY10-11 approved	\$10,267,276
PA FY10-11 EPA \$ award	\$5,133,638
EPA FY10-11 \$ spent	\$1,794,554
EPA FY10-11 \$ remaining	\$3,339,084

g. Does this review indicate any need to amend the award? Response:

Need to re-budgeted to move \$\$ into the travel category. If this can be done via email instead of an amendment (if moving less than 10%) we will pursue that option first.

- **Verify with recipient if there is enough funding in place to cover expected costs?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance to possibly add funds*)

Response: As of 10/30/13, \$3,216,592 of EPA funds remaining to be spent by 6/30/16.

- **Are the Project/Budget Period(s) long enough to cover the time that it will take to complete the project?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance prior to requesting time extension request from recipient.*)

Response: The budget period has already been extended the maximum amount of time.

h. Does the recipient require any PO/Grant Office approvals/amendments for cost or activities not included in the original award? Respond to the following:

- **Significant changes or re-budgeting over 10% of award total (as applicable).** Response: see above response to “2g.”
 - **Re-budgeting between direct and indirect costs (Part 30 or 31 recipients only).** Response: no
 - **Equipment costs not included in the original award.** Response: Equipment costs included in original budget have not yet been spent.
 - **Changes in key personnel.** Response: Ken Pattison retired April 2013. Ryan Kostival started in August 2013 (Obj 3). As of Dec 2, 2013 North Central Office position will become vacant. Will take at least 4 months to fill (possibly 6). This vacancy will not become an issue related to draw-down of \$\$ since personnel \$\$ in this grant were budgeted through 2014 and the budget/project period does not end until 2016.
 - **Unplanned travel expenses** Response: yes and adjustments will be made in budget to account.
 - **Changes in the project’s approved scope of work.** Response: no
- 3. Technical:** POs are responsible for:
- > *comparing the recipient’s work plan/application to actual progress under the award.*
 - > *monitoring all activities and the recipient’s progress on the project.*
 - > *providing comments to the recipient on the progress reports and other work products.*
 - > *apprizing program staff who are responsible for parts of the project/program on issues which need resolution.*
 - > *recommending actions that require the attention of Grants Office or others.*

a. List work plan/application tasks, compare to actual work progress, and identify areas of concern cited in the progress report. Provide a summary of each task and current status:

Response:

#	Objective	Programmatic Outputs	FY’10-16 Progress
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1	WIP Outreach	<p>A. 8 WIP Outreach sessions (Oct 2012)</p> <p>B. 20 Outreach Sessions to the agricultural community to describe new/revised regulatory requirements and conservation criteria outlined in the Chapter 102 & Manure Management Manual revisions (10 by Oct 2012 and 10 by Oct 2013) and present plan development and implementation opportunities.</p> <p>C. 6 Outreach Sessions to County Conservation District staff to describe new/revised regulatory requirements of Chapter 102 & Manure Management Manual revisions and their requirements under them. (July 2012)</p> <p>D. Conservation plans and manure management plan development tools</p>	<p><u>Outputs Progress:</u></p> <p>A. 8/8 completed.</p> <p>B. 152 outreach sessions were completed</p> <p>C. 6/6 completed</p> <p>D. Completed and Ongoing</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
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2	Nutrient Trading Independent Review	<p>A. Credit certification application and verification approval - Ongoing</p> <p>B. Draft implementation strategy for the MS4 Program – September 2013</p> <p>C. Draft inspection forms – September 2013</p> <p>D. Draft regulations for enhancements to the Nutrient Trading Program – October 2013</p> <p>E. Final standardized forms for credit certification application and requests for verification and the registration of credits – September 2013</p> <p>F. Training materials, if developed – September 2015</p>	<p><u>Outputs Progress:</u></p> <p>Most work is not expected to be completed and reported for specific outputs until the next progress report, however, work has begun, as follows:</p> <ul style="list-style-type: none"> • Performed a preliminary evaluation of ammonia emission models for use in the analysis of farm based nutrient credits. • Has performed preliminary reviews of nutrient credit certifications. • Has reviewed models that could be used for nutrient credit generation • Develop a briefing paper on sources and transport of ammonia emissions. • Worked on standard application forms for the nutrient trading program. <p>PA requested a revision in the scope of work for obj 2 and EPA project officer approved the request on 3/14/13 based on the justification provided. The new outputs are reflected to the left. The original outputs were as follows:</p> <p>A. Develop and document the submittal process for innovators submitting new technologies (Dec 2011)</p> <p>B. Recruit experts who are willing and available to assist with reviews as new technologies or innovative practices that apply to their field of expertise are submitted. (Dec 2011)</p> <p>C. Complete evaluation of multiple new technologies and submitted results to DEP with effectiveness values for new technologies that reflect differences in geography, such as soil type, physiographic region, dominant agricultural practices, crop and animal type, and other such criteria. (June 2012)</p> <p>D. Perform an assessment of the review process using adaptive management principles, and recommend changes. (June 2012)</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
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3	Improved Regulation of Nutrients & Sediment	<p>A. Manure Management Manual revisions (June 2011)</p> <p>B. Chapter 102 Erosion & Sediment Control Administrative Manual (October 2013)</p> <p>C. Erosion & Sediment Control Delegation Agreement (October 2013)</p> <p>D. 10 Outreach Sessions to ag community to describe new/revised regulatory requirements of Chapter 102 & Manure Management Manual revisions. (Dec 2012)</p> <p>E. 10 Outreach Sessions to County Conservation District staff to describe new/revised regulatory requirements of Chapter 102 & Manure Management Manual revisions. (Dec 2012)</p>	<p><u>Outputs Progress:</u></p> <p>A. Completed</p> <p>B. N/A</p> <p>C. N/A</p> <p>D. 23/10 Completed</p> <p>E. 9/10 Completed</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
4	Enforcement and Compliance Assurance	<p>First year of the grant (positions will be filled for 6 months):</p> <p>A. 225 ag inspections</p> <p>B. 25stormwater inspections</p> <p>C. 50 compliance actions 7/1/11 through 6/31/14:</p> <p>A. 450 ag inspections (annual)</p> <p>B. 50 stormwater inspections (annual)</p> <p>C. 100 compliance actions (annual)</p>	<p><u>Outputs Progress:</u></p> <p>A. 798 out of 1125 expected to be completed by 6/30/13</p> <p>B. 4 out of 125 expected to be completed by 6/30/13</p> <p>C. 354 out of 250 expected to be completed by 6/30/13</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>

5	Improved Tracking and Accountability	<p>A. Develop state tracking systems compatible with Chesapeake Bay Program system for Growing Greener projects, Non-Point Source projects, Nutrient Management Plan activities, and the Chesapeake Bay Implementation Grant.</p> <p>B. Prepare an updated QAPP for the reporting of BMP data to the Chesapeake Bay Program that reflects any improvements that result from Objective #5 work. Updated QAPP will be submitted by June 30, 2011.</p>	<p><u>Outputs Progress:</u></p> <p>A. ongoing</p> <p>B. completed</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
6	Nutrient Management Compliance Assurance	<p>First year of the grant (positions will be filled for 6 months):</p> <p>A. 30 outreach activities</p> <p>B. Provide assistance to 150 farmers</p> <p>C. Train 20 farm consultants</p> <p>Remainder of the grant period:</p> <p>A. 60 outreach activities (second & third years)</p> <p>B. Provide assistance to 300 farmers (annual)</p> <p>C. Train 50 farm consultants (second & third years)</p> <p>D. 50 compliance actions/referrals (annual)</p>	<p><u>Outputs Progress:</u></p> <p>A. 131 out of 60 expected to be completed by 6/30/13</p> <p>B. 13,356 out of 300 expected to be completed by 6/30/13</p> <p>C. 41 out of 45 expected to be completed by 6/30/13</p> <p>D. 112 out of 25 expected to be completed by 6/30/13</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>

b. Is the work under the agreement on schedule? Response:

- Objective 1 is completed with the exception of output D which is ongoing.
- Objective 2 was revised and work has begun. Most work is not expected to be completed and reported for specific outputs until the next progress report
- Objective 3 is completed/on-track with exception of output E. There are plans for 2 additional sessions in fall 2013 at which time the output will be achieved.
- Objective 4 is ahead of schedule for output C but behind schedule for outputs A and B. The main factor impacting the grantee's performance for those outputs is staffing.

- For output A (ag inspections), the CBRAP compliance specialist position in the SCRO was only staffed for 5.5 months (1/1/2013 – 5/17/2013) and the CBRAP inspector position in the SCRO was only staffed for 4 months (2/25/2013 – 6/30/2013). This inspector was new to DEP and required several months of training. Independent work only occurred for the last 6-8 weeks of the reporting period.
- For output B (stormwater inspections), the grantee has been unable to fill the staff position and it is unclear at this time if DEP will continue to pursue this effort to hire a stormwater inspection position or address this output through other means. Regardless, DEP estimates that 352 stormwater inspections were reported by conservation districts in the DEP Northcentral, Southcentral, and Northeast regions over the first two quarters of the year 2013. This includes an estimated 150 termination inspections, which involved verifying PCSM BMPs are installed, and estimating that 5% of all reported inspections – or 202 inspections - were for stormwater-related purposes. Together, these resulted in 352 stormwater inspections completed by conservation districts.
- Objective 5 is completed/on-track.
- Objective 6 outputs are ahead of schedule with the exception of output C, which is only slightly behind schedule at this time.
- Work for objectives 1-5 will continue through 6/30/14. Obj 6 work was not funded until 12/2/11 and work was not expected to begin until July 2012. Objective 6 work will continue through 6/30/2016.

c. Is the actual work being performed within the scope of the recipient's work plan? Response: yes

d. Are the recipient's staff and facilities appropriate to handle the work under the agreement?
Response: The grantee has had problems maintaining staff positions and filling vacancies. Since EPA has recently indicated plans to provide CBRAP funds on an annual basis, PADEP anticipates it will be easier to hire staff that will stay on board.

e. Based upon the progress reports and this review, is the recipient:

- **Generally submitting progress reports as required in the award and on time?** Response: yes
- **Submitting products/progress reports that are acceptable?** Response: yes
- **Has the recipient been notified in writing that the products/progress reports received to date are acceptable or not acceptable and the project file documented accordingly? If not, please notify the recipient and document the project file as a result of this monitoring review.** Response: yes

Meeting milestones and/or targets described in the award and/or scope of work? Response: Refer to response for 3b (pp 9-10)

Note: Questions f. and g. pertain to environmental results. If your grant was awarded on or after January 1, 2005, the official date the Environmental Results Policy became effective, answer both g. and h. The CBP Grant and Cooperative Agreement Guidance states that the recipient is required to attach to each applicable performance report (semi-annual, quarterly, or final) an updated Work Plan and Progress Made Performance Results Under Assistance Agreements Form that was submitted with the grant application. If not received, obtain copy from recipient to assist in responding to questions g. and h. and to document file. If your grant was awarded prior to January 1, 2005, answer both questions as "NA".

f. Is the recipient making agreed-upon progress in meeting environmental results and/or environmental outcomes and outputs (to the maximum extent practicable) Response: Refer to response for 3b (pp 9-10)

g. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?
Response: no

4. Agreement Specific: POs to discuss which areas apply to this agreement, otherwise, NA:

>Reviewing progress reports and other work products to assure that the recipient is complying with the applicable programmatic regulations and programmatic terms and conditions in the agreement.

> Notifying Grants Office if the recipient is not complying with the terms and conditions of the agreement,

> Providing technical assistance to recipients when requested or required by the programmatic terms and conditions of the award.

>Assisting the recipient, where appropriate, with the development of a plan to conduct subsequent portions of the project.

a.) Pre-Award Costs: (For more information on pre-award costs, please review: 1) GPI-00-02 (a) entitled, "Clarification on GPI 00-02 Modification to Policy Guidance for 40 CFR Part 31 Pre-Award Costs," (May 3, 2000); 2) 40 CFR 30.25(f)(1) or 40 CFR 30.28 and; 3) 40 CFR 31.23.)

• **Did the recipient incur costs prior to receiving the award?** Response: no

• **If so, was the recipient's written request approved by the PO, file documented, and included on the assistance agreement?** Response: N/A

b.) Programmatic Conditions, Regulatory, and Statutory Requirements:

1. Programmatic Conditions:

a. Is the recipient complying with applicable programmatic terms and conditions of the award?
Response: yes

b. Has the recipient submitted Quality Assurance Project Plan (s) (QAPP)? If not applicable, list N/A? Response: yes

c. Has the recipient submitted Quality Management Plan(s) (QMP)? If not applicable, list N/A?

Response: yes

d. If applicable, is an approved QMP/QAPP plan documented in file?

(If QMP/QAPP not in file or approved, find out why? Contact is Mary Ellen Ley.)

Response: yes

e. Are all personnel responsible for implementing the QMP/QAPP familiar with its requirements?

Response: yes

2. Statutory and Regulatory Requirements: (Statutory pertains to Clean Water Act, Sec 117; Regulatory pertains to 40 CFR Part 30 for Non-Profit Organizations and Universities and Part 31 for State and Local Governments.)

a. Have all Statutory requirements been met? Response: In support of the Clean Water Act, Section 117, this project supports reduction of nutrient and sediment loads that cause or contribute to the impairment of water quality standards in the Chesapeake Bay and its tidal tributaries, which is in support of Chesapeake 2000 Agreement - Water Quality Protection & Restoration - to achieve and maintain the Water Quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.

b. Have all Regulatory requirements been met? (Use this statement provided the requirements in the applicable 40 CFR Part 30 or 31 requirements are being met.) Response: All regulatory requirements are being met.

c.) Equipment/Supplies:**1. Did the recipient purchase equipment as planned in the agreement and was it used as planned?**

Response: Equipment (3 vehicles) have not yet been purchased. PA may not be able to make all of the anticipated purchases and may rebudget some of the equipment funds for travel.

If so, request a list of equipment indicating each item purchased and the date and dollar amount of purchase. Attach list to this protocol. (Note: Each item and its cost must be approved in recipient's budget and purchased only during the budget/project period of this assistance agreement.)

2. Did the recipient purchase supplies as planned in the agreement and was it used as planned?

Response: yes

(Note: Requested and approved supplies should represent only the supplies that are needed to complete the approved workplan. Supplies must be purchased only during the budget/project period of this assistance agreement.)

d.) Travel: Was this authorized in the agreement and was it carried out appropriately?

Response: yes

e.) Conferences: Did the conference comply with the Best Practices Guide for Conferences?

Response: N/A

f.) Contracting practices: Written Code of Conduct/Ethics: Federal regulations require recipients to establish codes of conduct to eliminate any potential conflict of interest and to establish disciplinary actions for those violating the standards. Note: (The minimum requirements are outlined in 40 CFR 30.42, Non-Profit Organizations, Universities; 40 CFR 31.36(3), State and Local Governments.)

1. Contractual Costs: Were contractual/subcontract costs authorized in the assistance agreement? Costs must be approved in the contractual budget category in the assistance agreement.

Response: yes

a. If yes, answer the following questions:

- are costs consistent with the approved work plan? yes
- budget category reflects funds for contracting? yes
- the recipient reprogrammed funds to contracting? no
- subcontracts SOW consistent with scope of the assistance agreement? yes

2. Does grant recipient have written contracting procedures? Response: yes

3. Competition: Was the contract competed/sole source; files documented? Response: yes – they are attached to all DEP contracting documents.

g. Subawards: Subaward Policy, effective May 15, 2007, requires all new awards and supplemental amendments awarded on or after May 15, 2007 must meet the requirements of the Directive. Subaward costs must be included under the “Other” budget cost category in the assistance agreement.

1. Does the work plan contain subaward work? Response: yes

a. If yes, does the recipient have subawards pertinent to the agreement/amendment work plan?

Response: yes

b. If yes, is the recipient complying with the subaward policy requirements? yes

h.) Program Income: (POs must work with the recipient to resolve program-income related issues on agreements that generate program income.)

- Did the project generate unanticipated program income? Response: N/A

i.) EPA-Furnished In Kind: Was this satisfactorily used in the assistance agreement?

Response: N/A

j.) Recipient Furnished/Third Party In Kind:

- **Met the conditions under 40 CFR 30.23 and 40 CFR 31.24?** Response: N/A
- **Were any adjustments made to the cost share?** Response: N/A

5. Closeout Process (Applicable to Closeout Review): Closeout of the award occurs when all applicable administrative actions and all required work of the grant has been completed.

Note: (Project Officer should be aware of the recipients responsibility in the closeout process and review the general regulations (40 CFR 30.71 Universities & Non-Profits and 40 CFR 31.50 State and Local Governments) on Closeout Requirements with grantee.)

- a. Are any funds remaining? If so, why and what tasks were not completed?** Response: N/A
- b. Has the Final Technical Report been submitted, reviewed, and approved?** Response: N/A

c. Equipment/Supplies: *Project Officers should be aware and review with the recipient the disposition requirements outlined in 40 CFR 30.34 and 30.35 for Non-Profit Organizations and Universities; 40 CFR 31.32 and 31.33 for State and Local Governments. If the recipient no longer needs the equipment, please request from the recipient a list of equipment purchased, its fair market value and date of purchase.*

- **Is the recipient keeping the equipment?** Response: N/A
- **Is the recipient keeping the supplies?** Response: N/A

6. Based upon PO review and knowledge of this award, does PO recommend:
(Yes or No Response required)

a. Award Amendment: Prior to responding, refer back to Part II, Items 2g & 2h on this report.
Response: Not at this time. Refer to response for 2g.

b. Advanced Programmatic Monitoring: If needed, discuss with Lori or Ronnie to either add to current list, if not already on, or next year's PO Advanced Programmatic Monitoring List in the Post Award Monitoring Plan. Response: no

c. Administrative Review completed by Grants Office: Respond "No". If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

d. OIG Referral: Respond "No" If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

e. **More Frequent Baseline Monitoring Reviews (less than every six months)** Response: no

7. Project Officer Suggestions and Recommendations (define as either major or minor):

Note: (Recommendations should have corresponding routes to/for resolution specified in report.

Also, when major recommendations are made, EPA should explicitly require the recipient to develop and submit a corrective action plan to address the major recommendation.)

Response: Minor

- PA needs to request, via email, to move \$\$ into the travel category (assuming this request will be less than 10% of the grant \$\$) and provide justification for this request. Attached to that email, please provide a revised budget document indicating the \$\$ changes in each object class category. Please do so by 11/27/13.
- EPA is concerned about the drawdown rate for this grant. Please provide PADEP's plan for spending all of the remaining EPA funds by the end of the budget period when you submit your next progress report.
- EPA has the following concerns regarding use of the CBRAP #1 \$\$ for equine-focused outreach, materials, calendars, DVD's, etc (listed under progress for Objective 1, Output D, Conservation plans and manure management plan development tools).
 - The following comments were received from the WIP Team reviewers: Why is there so much focus on horses? How many horses are there in PA? Are there significant loads coming from this animal sector? Does PA's input deck include equine practices or changes on equine pasture land? If not, why is time and money being spent on an animal sector that is not a significant contributor to Ag. loads? In contrast, a sector that we know is a huge contributor to loads is the dairy sector, particularly small dairies (under 200 mature cows). If DEP is going to focus on a sector, dairy should be a higher priority than horses.
 - The following information was provided by CBPO staff related to those comments: According to data used in the Watershed Model, horses in PA generate about 5% of nutrients generated by all animal types in PA. On the other hand, dairy in PA generates about 40% of N generated and 30% of P generated by all animal types in PA. To achieve water quality standards, we need to look at all sources, but (of course) focus should be on sources that can be better controlled at lower costs. There are huge increases in pasture management practices planned for according to PA's WIP – as well as other practices that could relate to equine. Looking at just the model inputs from PA, it is hard to say how much is related to equine versus other animal types like dairy. If we don't see significant reductions in agricultural loads in PA, it would be very difficult to remove the Bay from the list of impaired waters.

Please be prepared to defend the expenditures for equine-focused outreach, materials, calendars, DVD's, etc when you submit any revisions to the workplan and please know that it may also come up during a future oversight mtg.

- Please provide a copy of the preliminary report (and cc Kyle Zieba) related to the Soft Run targeted watershed effort (under objective 4) by 11/27/13.

- Please provide a table with a breakdown (by Conservation District) of the # of Compliant Investigations, Compliance Actions Required, and Referrals to DEP (and cc Kyle Zieba). PA responded to this suggestion with the following: “Do not have the staff time available to review the 35 reports and compile another report of this level of detail for EPA staff to review. PADEP gets reports from the districts and will send a copy of the reports.”
- The next semi-annual progress report will be due 4/1/14 (but PA has agreed to provide it sooner).
- The next interim Federal Financial Report (FFR) for this grant is due 9/30/14. Needs to be submitted to EPA Las Vegas Finance Center.
- The next MBE/WBE report is due 3/31/14. Please submit to EPA Region III
- Please comply with the provisions in the FY10, 11, 12 and 13 CBP Grant Guidance.

8. Recipient Recommendations and Suggestions:

none

9. Identify any areas where the recipient is significantly meeting or exceeding programmatic expectations:

Response: N/A

10. Recommendations for the Grants Office, if any:

Response: N/A

RESOLUTION PLAN AND TIMING - PART III

Prepare Corrective Action Plan, if applicable, to address major recommendation(s):

- 1. Tell the recipient when the corrective action plan is due, and clearly state what should be addressed.**
- 2. Tell the recipient to whom they should send the corrective action plan (EPA contact) and where to send it, including phone number.**

Response: N/A

Note:

1. Send a electronic copy of protocol to the recipient for comment.
 2. cc: Ronnie Kuczynski
- (Also, send to Ronnie any follow-up letters sent to recipient, and relevant e-mail messages)